

II. REMARKS:

A. Status of the Claims

The application was originally filed with claims 1-4. Claim 5 was added in a response to Office Action filed on January 28, 2005. Claim 2 is amended herein to clarify the subject matter of the invention. No claims are added or canceled herein. Therefore, claims 1-5 are currently pending.

B. The Claims are Patentable Under 35 U.S.C. §112, First Paragraph

The Action maintains the previous rejection of claims 1 and 2 under §112, first paragraph as failing to comply with the written description requirement. In further defining the rejection in the Office Action of December 29, 2005, the Action stated that the “claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.” The Action argued that the claim language reciting the “treatment of ... RP and other hereditary degenerative retinal disease” requires treatment of unspecified disease and no evidence indicates that the treatable disease was known to Applicant.

In a Response to Office Action filed on March 29, 2006, Applicant explained that articles cited in the specification provide support for the phrase. The present Action acknowledges that the cited references provide sufficient description for RP and for degenerative disorders falling under “RP”, but maintains the position that they do not provide sufficient description for all retinal hereditary degenerative disorders. Applicant respectfully traverses.

Claim 2 has been amended herein to delete the phrase “and other forms of hereditary degenerative disorders,” in order to clarify the subject matter of the invention. It is believed that the amendment to claim 2 renders the rejection moot.

In light of the foregoing arguments, Applicant respectfully requests that the rejection based on lack of written description under §112, first paragraph be withdrawn.

C. Conclusion

This is submitted to be a complete response to the outstanding Action. Based on the foregoing arguments, the claims are believed to be in condition for allowance; a notice of allowability is therefore respectfully requested.

The Examiner is invited to contact the undersigned attorney at (817) 551-4321 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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